

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
Broadcast Localism)	
)	MB Docket No. 04-233
)	
)	

To: Office of the Secretary
Attn: The Commission

COMMENTS

Priority Communications Inc., the licensee of WDSN-FM Reynoldsville, PA pursuant to *Report on Broadcast Localism and Notice of Proposed Rulemaking*, FCC 08-218, MB Docket No. 04-233, released January 24, 2008 and Section 1.415 of the Commission's rules, hereby submits comments in this proceeding regarding the FCC's several proposed rule changes designed to enhance broadcast localism and diversity, to increase and improve the amount and nature of broadcast programming that is targeted to the local needs and interests of a broadcast station's community of service, and to provide more accessible information to the public about broadcasters' efforts to air such programming.¹

A. COMMUNICATION BETWEEN LICENSEES AND THEIR COMMUNITIES

¹ By *Public Notice*, DA 08-515, released March 6, 2008, time for filing comments in this proceeding was extended to April 28, 2008. Accordingly, these comments are timely filed.

1. *Enhanced Disclosure.* Enacting requirements similar to Enhanced Disclosure for television would be extraordinarily burdensome on most radio stations, especially those in smaller markets. Radio station licensees, especially small market and independent broadcasters, have limited resources. Most small market radio stations have small staffs and the end result would be less community service as stations would be required to spend more time documenting their efforts rather than actually providing more service to local communities. Would stations that already do frequent Public Service Announcements do more because of new rules, or would the net result be fewer because stations must document every announcement they air? Would stations use every possible source for local news or would they cease to use independent reporters or other outside sources because of more documentation and regulation? Would new regulation require licensees to be more concerned with meeting FCC requirements than providing the most service to their communities? Would station management “think twice” before going “above and beyond” its required localism efforts because of the extensive documentation required? Is the reward for outstanding localism more paperwork and documentation? It is clear that more documentation will in essence mean less localism from stations that are already exceeding any potential mandates from the Commission, as staff and resources are reallocated to documenting rather than providing local programming and service.

2. *Renewal Application Pre- and Post-Filing Announcements.* In regards to the comments in the NPRM on announcements for Pre- and Post-Filing Announcements for license renewals, the Commission shows great concern for the public's ability to file complaints, comments, informal objections, and petitions to deny a station's license renewal. However, nowhere is there any suggestion that the commission would consider compliments to stations for their localism efforts. While the public most certainly should be aware of the process of filing complaints and be able to voice its concerns about local radio stations, the Commission's efforts to solicit public opinion at license renewal time solely look for perceived station deficiencies. The public should also be able to "endorse" local radio stations and be encouraged to voice opinions on what radio stations are doing right. **Radio stations are at a severe disadvantage in this discourse on localism. Those who have a complaint are vocal. Those who are satisfied are almost always silent. Many millions of Americans are informed and entertained by local radio on a daily basis without having to pay for a subscription. They quietly enjoy the service we provide. The commission should seriously consider the number of *bona fide* complaints received by different individuals and compare that to the number of people who listen to radio every week. Such an investigation would discover that the vast majority of Americans are happy with their local radio service without the need for further regulation.**

3. *Advisory Boards.* Mandated advisory boards are unnecessary for stations to better serve the interests of local communities. At very least, community leaders typically chosen for these types of boards are overextended and are unlikely to be enthused about attending more meetings. In small markets local officials and community leaders know if they need something from a radio station all they have to do is call the local manager or owner. I believe the Commission would be surprised to learn how radio station managers and personnel are involved in community organizations and activities in *all* size markets. Licensees should do what works for them in their local markets. Advisory boards should be at the station's discretion. Priority Communications does not utilize Advisory Boards, yet we have received recognition and awards for Outstanding Community Service from local Chambers of Commerce, Service Clubs, National and State Broadcasting Associations. **A “one size fits all” approach will not offer the diversity of local public service now enjoyed by many local communities.**

4. *Remote Station Operation.* Radio stations can better serve the public with remote control operation at certain times of the day. Emergencies are best handled by managers and news professionals who can be reached at home or via cell phone. Technology allows reliable access to radio stations from remote locations. Late night and weekend positions are “entry level”. These employees are most likely to call station management or the news director before acting, delaying response time. Furthermore, the EAS system automatically takes over stations

and immediately broadcasts alerts. This happens whether or not the station is staffed at the time. EAS is viable, can be improved and should be the foundation of any emergency information delivery system. In Pennsylvania, the state association has helped to develop and implement EMNet, which enables local authorities to access the system for Amber alerts and local emergencies. Pennsylvania's EAS system can be a model for EAS across the country. The radio industry should work with State and Federal Governments to improve and expand the current EAS system to better serve all communities. A system that bypasses the studio and puts emergency directly on the air combined with communication for emergency officials directly to the stations' most experienced broadcast professionals will provide faster, better service to the public. The technology and expertise exist and if we have the flexibility to utilize it, we can improve the delivery of emergency information. The FCC should set policy and measurable standards, and then let the industry use its expertise, knowledge and experience in local markets to find the best way to implement. Each licensee should have the flexibility to develop its own individual "Plan of Action" that best fits its unique situation for handling the broadcast of emergency information during unattended hours of operation. Stations should be given the option of certifying they have an emergency action plan assuring emergency information can be broadcast within a reasonable period of time, regardless of the location of the individual(s) charged with the responsibility of airing such information. Stations should be required to devise and establish

written plans to allow local officials to contact station management and that management to have the ability to interrupt programming from any location. Drills should be scheduled and conducted to assure the system is operating properly. The best solution is a performance policy, an acceptable level of response, and flexibility to meet that requirement.

B. NATURE AND AMOUNT OF COMMUNITY-RESPONSIVE PROGRAMMING

5. *Main Studio Rule.* Prior to 1987 listeners could contact a station via US Mail, telephone, fax or a personal visit. Now the public can contact stations through email and “contact us” pages on station web sites as well. In fact, with cell phones mainstream in American life, listeners have more ways to contact their local radio stations at any time than ever before. These methods of communication did not exist when the original community of license rule was enacted. Today people live in one community, work in another and as school districts have consolidated their children may attend school in a different community altogether. Communities can no longer be defined solely by geographical boundaries. Every radio station provides coverage not only to its city of license but also to surrounding communities that may or may not have licensed broadcast facilities. There are other practical considerations that should prohibit the Commission from reverting to the pre-1987 main studio rule. Many operators, especially in small markets, acquired additional stations that would not have survived as standalones. Local operators keep them

on the air serving local audiences following the guidelines, including the main studio rule, established by the FCC at the time. Re-enactment of the pre-1987 main studio rule would have serious consequences for many licensees, especially those located outside of major metropolitan areas. A change from the current rule would even force small market AM-FM combos licensed to adjacent communities or communities in close proximity to each other to build separate facilities. This would be especially financially devastating to owners of AM radio stations that may need the revenue from the collocated FM station to survive financially. There is no proof or indication these stations could survive in today's difficult economic environment as separate standalone operations, considering most were not viable in the past. Broadcasters cannot feasibly make major investments in facilities without assurance from the Commission that these investments will not be lost by future rule changes. Breaking up facilities built under the current main studio rule will place undue financial burden on Licensees, especially independent and small market Broadcasters. At the same time, there is no evidence that radio's service to any community is better or worse based on the location of the main studio. The Commission continues to improve its service with a comprehensive website, online filings, an allotment finder tool and other technical advances. The thought of any new FCC regulation that "reverts" to an old rule is counterintuitive to the current direction of the Commission and the public interest in general.

6. *AM Use of FM Translators.* The public interest will be better served by allowing AM stations to rebroadcast on FM translators. There are too many AM stations, especially in rural America that cannot adequately serve their communities in non-daylight hours due to severely limited coverage or daytime only status. The problem is most significant in autumn and winter months. Many rural AM stations lose most if not all of their coverage from late afternoon through the early morning hours. Vital information such as local emergencies, school closings, local weather forecasts including severe weather warnings and local news cannot be heard in a very large area of stations regular listening area. Other issues with AM radio's limited nighttime coverage affect the public interest. People listening to local news, public affairs programs, local sports and regular programming lose the ability to listen to the station's programming between sunset and sundown. After pattern and power change time for directional stations much of the public can no longer hear the programming they were listening to at the time of the change. AM stations are still the stations of choice for many senior citizens. Restrictions to the AM service do not serve the interest of this large segment of the public. In today's world of 24 hour service from virtually every other audio service available to the public, AM stations with limited or no coverage in non-daylight hours and susceptibility to interference have little chance to remain viable without the ability to broadcast 24 hours per day to as much of the station's coverage area as possible. AM stations should be able to rebroadcast on FM translators within a 25 mile

radius of their transmitter sites. Many AM stations licensed in the 1940s and 1950s do not have the coverage to serve the population that has migrated from the center of small cities, towns and boroughs to outlying areas. In other words, in many instances communities have outgrown the coverage of the local AM radio station. Because AM stations still provide more local news, talk and public affairs programs it is in the public interest of these communities to allow this programming to be heard. Allowing AM stations to broadcast on FM translators should have no impact on any further development of LPFM stations. AM stations can operate on FM translators already licensed by the FCC. Since there is no new spectrum use needed this can be implemented immediately without any impact on existing FM or LPFM stations. Thereafter the FCC should proceed with the mutually exclusive translator applications frozen from the filing window in 2003. Many small and independent broadcasters spent thousands of dollars on engineering and filing these applications in good faith and should be able to get resolution for the time, effort and expense dedicated to the window opened by the Commission. While some LPFM proponents may say that granting more FM translators may impede the opportunity for more LPFM stations, it should be noted that broadcasters filed these applications only because the FCC opened the window. All current and potential broadcasters should know that if they file in an FCC window that the resources put forth will be resolved as stated by the Commission at that time, and that the Commission intends to follow through to completion. This is

primarily a small market issue. In most major cities there is no spectrum remaining for translators or LPFM. In most small markets there may be enough spectrum for additional translators and LPFM stations when the FCC decides to move forward with more LPFM stations. The issue of allowing AM stations on FM translators does not have to affect any future decisions on LPFM. Allowing AM stations to rebroadcast on FM stations, when considered on a public interest basis, only has benefits and no detriments. It is in the public interest for the Commission to fashion its rules and to grant authorizations so that the public, as much as possible, is able to listen to the radio stations the public wishes to listen to, when the public wishes to listen to them.

C. PAYOLA / SPONSORSHIP IDENTIFICATION

5. *National Playlists.* Radio stations should be able to play music that local listeners want to hear, regardless of whether the music is by local or national artists. In my 30 years in radio I have never seen any research suggesting local radio audiences specifically want to hear local artists nor do I believe any such research has been presented to the Commission. Listener requests for local music are extremely rare. When there is a song by a popular local artist stations will play that song if the majority of listeners want to hear it. Furthermore, there are few

places in the country with a strong local music community. If there are few or no local artists in a community and there is no standard for playing local music, how can playlist documentation be considered during a station's license renewal? **Radio stations play the songs the most people want to hear most often. The music a station plays is and should be purely a market decision. The Commission should defer to the choices of the public. Under the premise that stations must play music listeners want to hear for the station to survive, it is unnecessary to document what music a station plays and how playlists are determined.**

6. *Voice-tracking.* Many stations utilize voice-tracking on a local level by local talent. This allows redeployment of talent to strengthen localism and improve the overall service delivered to the public. Station personnel that previously were confined to a studio can now cover, write and record local news stories, work on public service projects, maintain stations technical facilities, and perform other duties required in the normal course of providing local radio service. Regulations regarding voice-tracking or out of town programming can seriously affect the quality and choices of programming delivered to the public. Some of the most popular programs are syndicated or satellite-delivered. Imposing limits on programming could decrease or eliminate some of the time favorite national personalities such as Delilah (popular nightly love songs show), Lia (evening country radio personality) and popular countdown shows by personalities like Casey Kasem and Ryan Seacrest are on the air. These personalities are on the air only

because the public wants to hear their programs. **The Commission should not create regulations that ultimately will decide what music and personalities may or may not be heard in local markets.**

In conclusion, Priority Communications Inc. submits that the above comments should be taken into consideration by the Commission in issuing its decision in the above-referenced proceeding.

Respectfully submitted,

Priority Communications Inc.

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